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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,196	10/27/2003	Shigeru Suzuki	FP03-103US	4278
1218	7590	01/17/2006	EXAMINER	
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,196

Applicant(s)

SUZUKI ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,9 and 12-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Groups I, III and V in the reply filed on October 26, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, claims 3, 4, 9 and 12-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 26, 2005. It should be noted that the examiner erred in the previous Office action by designating claim 9 as being generic. Upon further review of claim 9, it has become apparent that claim 9 belongs in non-elected group IV. Therefore, claim 9 has not been examined.

Information Disclosure Statement

The information disclosure statement filed October 27, 2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the references whose relevance has not been explained have not been considered.

Drawings

The drawings are objected to because reference characters such as “39” in figure 3 should not be underlined. The section lines “A-A” in figures 3 and 4 should be labeled --5-5-- to indicate that figure 5 shows the view taken along the section line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because recitations such as “laid on” on line 1, “transferred from” on line 2 and “transferred toward” on line 3 are confusing

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since it is unclear what the applicant is attempting to set forth. For example, it is unclear how the rail is laid on the door when it appears that the rail is mounted on the door.

Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant remove "Arranging" in the title to avoid confusion.

The disclosure is objected to because of the following informalities: the reference to Japanese Patent Publication No. 3301021 on line 1 of paragraph 5 is confusing since the applicant has not provided a copy of said publication. On line 10 of paragraph 6, "Registered Utility Model No. 2543239 is also confusing since the applicant has not provided a copy of the reference. On line 2 of paragraph 7, "the first prior art" is confusing since it is unclear to which of the plurality of references set forth above the applicant is referring. The recitations "second prior art" on lines 2 and 3 of paragraph 8 suffer from the same problem. The description of figures 11(a) to 11(d) and the description of figures 13(a) to 13(h) are inadequate since each figure has not been separately described. Finally, the specification is objected to because the applicant has not used the same language to refer to the same element of the invention throughout the specification. For example, the applicant refers to element 31 as "a spanning part" on line 4 of paragraph 46 and refers to the same element as "[e]he stretching part" on line 5 of paragraph 47.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1, 2, 5-8, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “for arranging” on line 1 of claim 1, “laid on” on line 3 of claim 1, “transferred from” on line 5 of claim 1 and “only substantially” on lines 7-8 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How does the construction “arrange” the cable when it appears that the construction merely guides and supports the cable? How is the rail “laid” on the sliding door when it appears that the rail is mounted on the door rather than being merely laid on the door. Recitations such as “to be mounted on a rail” on line 3 of claim 1 render the claims indefinite because it is unclear if the slider is actually mounted on the rail or merely intended to be mounted on the rail. Note that at least claim 5 implies that the slider is actually mounted on the rail while claim 1 implies that the slider is not mounted on the rail. Recitations such as “a bending deformation” on lines 2-3 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the bending deformation set forth above or is attempting to set forth another bending deformation in addition to the one set forth above. Recitations such as “the vehicle body” on line 2 of claim 5 render the claims indefinite because it is unclear if the applicant is setting forth the subcombination of a construction or the combination of a construction and a vehicle. The preamble of claim 1 implies the subcombination while the positive recitation of the vehicle body on line 2 of claim 5 implies the combination. Recitations such as “the

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door-side end" on line 4 of claim 6 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Doshita. Doshita discloses a construction for arranging and supporting a cable of a slide door, comprising: a slider 39 to be mounted on a rail 37 laid on the slide door 36 for sliding along the rail and adapted to support a door-side end 3c of a stretching part of the cable 3 transferred from a vehicle body 48 toward the slide door, and a cable guide 1, 2 formed to undergo a bending deformation only substantially in a specified plane, the cable guide having a first end (not numbered, but shown in figure 8) coupled to the slider and a second end (not numbered, but shown in figure 8) coupled to a fixing portion (not numbered, but shown in figure 8) for fixed coupling to the slide door, and adapted to guide the cable introduced therein in a section between the slider and the fixing portion, the cable guide comprises tubular links 4, 5, a rail-side engaging portion

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(not numbered, but shown as the generally planer surface of the rail 37 facing the vehicle body in figure 8) is provided on a surface of the rail facing the vehicle body, the rail-side engaging portion being slidably engageable with a slider-side engaging portion (not numbered, but comprising the generally planar surface of the slider 39 facing the rail side engaging portion) of the slider, the slider 39 bulges toward the vehicle body since it extends towards the vehicle body, the cable guide 1, 2 includes an opening (not numbered, but shown in figure 8 as the opening at the end of the tube 5), the rail has a curved section shown at the right hand end of the slot of the rail 37 in figure 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doshita as applied to claims 1, 2 and 5-8, and further in view of Ayran. Doshita is silent concerning the particular construction of the slider and rail side engaging portion.

However, Ayran discloses a rail 9a and a slider L₁ comprising a rail-side engaging portion (not numbered, but shown in figure 2) and a slider-side engaging portion (not numbered, but shown in figure 2) engageable with each other to slidably hold the slider, wherein the slider-side engaging portion has engaging grooves (not numbered, but shown in figure 8), and the rail-side engaging portion has engaging

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projections (not numbered, but shown in figure 8) that fit in the engaging grooves of the slider-side engaging portion and extending along a longitudinal direction of the rail.

It would have been obvious to one of ordinary skill in the art to provide Doshita with a guide rail and slider engagement, as taught by Ayran, to ensure the proper movement of the slider along the rail.

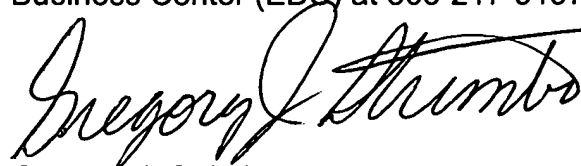
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki, Kobayashi, Murofushi et al., and DeCicco et al. are cited for disclosing a wire mechanism for attaching a wire to a vehicle door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Gregory J. Strimbu". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Gregory J. Strimbu
Primary Examiner
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January 6, 2006